

On February 16, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of tomato puree at Denver, Colo., consigned by George W. Goddard Co., from Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about October 17, 1934, from the State of Utah into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tomato Puree * * * Packed by Royal Canning Corporation Ogden, Utah."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On April 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24603. Misbranding of canned peas. U. S. v. 925 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35143. Sample no. 14738-B.)

This case involved a shipment of canned peas which fell below the standard established by this Department because of the presence of an excessive number of hard peas, and which were not labeled to show that they were substandard.

On February 16, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 925 cases of canned peas at Salem, Mass., alleging that the article had been shipped in interstate commerce on or about September 2, 1934, by the Johannes Pure Food Co., Inc., from Port Washington, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Whiz Brand Sugar Sweet Peas * * * Packed by Knellsville Canning Co. Port Washington, Wis."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 16, 1935, the Johannes Pure Food Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

24604. Adulteration of canned huckleberries. U. S. v. 16 Cases of Canned Huckleberries. Default decree of destruction. (F. & D. no. 35206. Sample no. 26112-B.)

This case involved a shipment of canned huckleberries which were infested with worms.

On February 28, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of canned huckleberries at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about September 6, 1934, by the Standard Brands of California, from Sumner, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Charmed Land Brand Huckleberries Packed by Puyallup and Sumner Fruit Growers Association, Puyallup, Washington."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 27, 1935, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24605. Adulteration of canned tomato puree. U. S. v. 2,910 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35214. Sample no. 27998-B.)

This case involved canned tomato puree that contained excessive mold.

On March 4, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 2,910 cans of tomato puree at Collinsville, Ill., alleging that the article had been shipped in interstate commerce on or about September 25, 1934, by the Everitt Packing Co., from Underwood, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24606. Adulteration of canned tomato puree. U. S. v. 275 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35215. Sample nos. 27974-B, 27984-B.)

This case involved canned tomato puree that contained excessive mold.

On March 5, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two hundred and seventy-five 5-gallon cans of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 13, 1934, by M & R Canning Co., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24607. Adulteration of tomato catsup. U. S. v. 89 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35228. Sample no. 22823-B.)

This case involved tomato catsup that contained excessive mold.

On March 7, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 cases of tomato catsup at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 24, 1934, by the Fettig Canning Co., from Elwood, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shirley Brand Quality Supreme Catsup Packed by Shirley Canning Co. Shirley, Ind."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24608. Misbranding of barley feed. U. S. v. 408 Bags of Barley Feed. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35235. Sample no. 8341-B.)

This case involved a shipment of barley feed that contained less protein than declared on the label.

On or about March 8, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 408 bags of barley feed at Ellicott City, Md., alleging that the article had been shipped in interstate commerce on or about January 23, 1935, by H. C. Knoke & Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Barley Feed Guaranteed Analysis Crude Protein 14.00% * * * Manufactured by H. C. Knoke & Co. * * * Chicago, Ill."

The article was alleged to be misbranded in that the statement on the tag, "Crude Protein 14.00%", was false and misleading and tended to deceive and mislead the purchaser, since it contained less protein than declared.

On April 23, 1935, a claim for the product having been interposed, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*